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REMARKS ON 'EARLY KARAIT CRITICS OF THE MISHNAH'

UNDER the above title Hartwig Hirschfeld published and elucidated two Karaite manuscript texts in this REVIEW,¹ yet the title does not correspond exactly to the contents of the texts. The latter are not at all a criticism of the Mishnah, but rather Karaite attacks on the rabbinic construction of various legal precepts, such as we meet with in many other Karaite works. The Mishnah serves only as a substratum. To prove this assertion I propose to analyse these texts minutely.

I.

The first text, hitherto unknown, is particularly interesting, both on account of its contents and its form. It is a fragment of a Karaite anti-rabbinic polemic, in which the following points are argued :

(1) The invalidity of the *dehiyya* (fol. 37), which is proved from the Mishnah Meg. I, 2-6, where it is expressly stated : *חל להיות ים י"ד בשני . . . החל להיות ברביעי . . . החל להיות שבעת*. Thus the very first point shows that we are not dealing here with a criticism of the Mishnah. Curiously enough, the Karaite author adduces also the continuation of the Mishnah, I, 7-9, which evidently has nothing to do with the subject.²

¹ *JQR*, N. S., VIII, 157-88. Owing to the World War this part of the Quarterly reached me only recently.

² At the same time our author exhibits two omissions through homoio-teleuton, namely, fol. 37 vo. at l. 7: one line added by Hirschfeld after *מכניםין* (not) [בשני ובחמשי אבל מקום שאין נכניםין] *שנכניםין* 1. 8: two lines after *אלא בזמננה* [קוואין אותה קורין אותה]. These omissions may be due to the copyist, but if we accept with Hirschfeld that this is an autograph, then the author himself is responsible for them.

ובhalbנות אומר הקורא במליה הכתובה בין הכתובים לא: Then again: הקורא לא במליה הכתובה בין הכתובים לא: As the source of this citation Hirschfeld indicates Talmud Meg. 12 b (should be 19 b), and believes that under our author means the Gemara (see further below). But in the Talmud this passage sounds differently: הקורא לא... לא... י'א ומוחו לה אמואה ביציבור שני... י'א... לא י'א... לא י'א. Thus the words י'א ומוחו are wanting in both places, but they are extant in the *Halakot Pesukot* (ed. Schlossberg, p. 11), and the latter no doubt served our Karaite author as source.

לא זב"ד פורים, identical with לא אדר ז' ראש, בד"ז פסח, occurs also among other Karaite writers, as e.g. Hadassi (*Eshkol Hakkofar*, alphabet 184, ff. 184, sh. 184), כי פסחים יחולו בבד"ז שבפרקא: מנה אמר כשל פורים בא' שבת... כשל פורים להיות שני שבת... וכן כשל להיות בשלישי שבת בן וכן וכחמי השבעה... מכיוון שאפשר יום כפורים (הפורים ז') לחול בכל ימי השבעה אף בן לעומתו יום הפסח יהול בכל ימי השבעה וכו' אופן שביעי הוא אמר מנה נקראת: b. Elijah (*Gan Eden*, fol. 6 d): ביום אשר הוא ב"ד באדר אמרו אם היה יום הראשון דתו כך וכך אם היה יום השני היה דתו כך וכך וכל כל ימי השבעה והסתר למאמר לא זב"ד פור Salmon b. Jeroham in his manuscript polemic against Saadya (chaps. 4-6), adduce a number of other passages from which results the voidness of the *dehiyya*, namely, Mishnah Pes. VII, 10: העצמות והגידין והנותר ישרפו בששה עשר חול ששה עשר להיות שבת העתרת של להיות בערב שבת... ומודים שאם חלה להיות שבת II, 4: שיום טבוח אחר השבת וכו', hence the Feast of Weeks fell on

³ So the words of our author are to be understood (fol. 37 vo. end): וכל מנה נבטלו לא דבר (זב"ז) פורים וכל לא ול[ל]א לא בדו פסח ולא אדר ראש, i.e. probably

⁴ Comp. hereon the passages from Hananel b. Hushiel's commentary of Pesahim adduced by Geiger in *Jüd. Zeitschrift*, VI, 149, also Abraham b. Ḥiyya, *ספר העברות*, p. 59. In addition, with regard to all quotations here given, see *JQR.*, X, 271 f.

חַל לְהִיוֹת בְּשַׁבָּת . . . חַל לְהִיוֹת . . . חַל לְהִיוֹת בְּשַׁבָּת ; Menaḥot XI, 10 : חַל לְהִיוֹת בְּשַׁבָּת . . . חַל לְהִיוֹת בְּשַׁבָּת שְׁעִיר שְׁלֵי יְהוָה כְּאֶלְעָרֶב , therefore the Day of Atonement fell on a Friday : Shab. XV, 3 : חַל בְּשַׁבָּת קָרְבֵּן בְּיְהוָה כְּאֶבֶל , hence this day occurred before and after the Sabbath ; finally Tosefta Sukka III, 1 : לֹא דָוחֵה אֶת הַשְׁבָּת אֶת הַשְׁבָּת וּכְזֹאת , hence Hoshana rabba occurred on a Sabbath. Then Salmon quotes also the passage from *Seder olam* (chap. 5), which tells that the first Passover occurred on a Friday.⁵ It is not impossible that all these tannaitic quotations also existed in our author's manuscript before the passage from Mishnah Megilla. Now all these citations are directed against Saadya who, it will be recalled, maintained that the constant Jewish calendar with all its rules was of Mosaic provenance, and that all the contrary statements in the Mishnah are to be interpreted as referring to hypothetical and ideal but never to actual and real cases, that the expression חַל לְהִיוֹת must therefore be understood in the sense of אֶם חַל לְהִיוֹת : 'admitting that this holiday would occur on this day, such and such a law should be applied'. But

⁵ Some mediaeval authors state in the name of the *Seder Olam* that the first Passover fell on a Thursday (see Ratner, *ad loc.*) ; probably later generations took umbrage at its occurring on Friday, and changed the text accordingly. As a matter of fact the *Mekilta*, *Pesikta*, and *Rabba*, all have Thursday (see Ratner, *ibid.*). Moreover, the Karaites prove also from the Scriptures the futility of the *deḥiyot*, namely, from Ezra 7. 9 and 8. 31-3. From these verses we learn that in those days neither the first of Nisan, nor the first of Ab, nor the twelfth of Nisan, nor the fourth of Ab, could fall on a Saturday, and it follows therefrom, if the rabbinic calendar is correct, that then Passover could fall neither on a Saturday, nor on a Sunday, nor on a Tuesday, nor on a Thursday, and hence it fell either on a Monday or on a Wednesday or on a Friday. Thus the *deḥiyya* is untenable. This evidence is found first in Kirkisani (see *JQR.*, VIII, 686), then elaborately in Salmon b. Jeroḥam's polemic tract against Saadya (ch. 4), in Hadassi (*Eshkol*, 185 ע-ב), and Aaron b. Elijah (*Gan Eden*, fol. 6 b-c), and was opposed vigorously by Saadya in many of his writings (comp. *ZfHB.*, X, 46). Comp., on the other hand, Pal. Aboda zara I, 1 (fol. 39 b below), where it is said in reference to Neh. 9. 1, that the twenty-third of Tishri could not be a Saturday, for then the Day of Atonement would fall on a Sunday (see hereon Wiesner, *p. 12*).

already Isaac b. Baruch refuted this view of Saadya, and pointed out among other things that in the Talmud the occurrence of Hoshana rabba on a Saturday is stated as a fact. This serves the Karaites as a pretext to attack Saadya as a despiser of his own teachers, the Talmudists.⁶

Our Karaite author, towards the end of the fragment preserved (fol. 36 vo.), reverts once more to the question of *dehiyya*, and proves the possibility of e. g. פֶּסַח בְּבַדְיוֹ in a very peculiar way. Since the firmament was created on Monday, the luminaries on Wednesday, and the human pair on Friday, and since the first Passover celebrated in Egypt occurred on a Friday (see above), it follows that the Feast of Passover may fall on any one of these three days. It is difficult to find out what the creation of these objects has to do with the beginning of Passover. But here is still another extremely interesting passage : [א] שָׁר אָמַר עַنְןָ כְּמוֹהֵם לֹא זָנֵן פֶּסַח וְלֹא אַלְפֵסַח וְ[רָחָה?] הַפֶּסַח מִיּוֹם הַשְׁבִיעִי וְהַסּוֹכָה מִהָּאָחָר וּכְזֹה. Thus 'Anan, the restorer of the lunar observation, agreed nevertheless with the Rabbis in their method and asserted that Passover can never fall on a Saturday nor the Feast of Tabernacles on a Sunday, while our author considers these two days feasible on the ground that the light was created on Sunday and that Saturday is a day to be kept holy.

Hirschfeld is quite helpless in the face of this passage, maintaining that he could find nothing of the kind in the extant fragments of 'Anan's book of Precepts, and he therefore proposes the emendation נְלֹא וְאַו פֶּסַח. Apparently he overlooked a fragment of 'Anan's book edited by Harkavy (*Stud. u. Mitt.*, VIII, 72) and myself (*RÉJ.*, XLV, 181) where it is expressly stated that when Passover falls on a Saturday the offering of the Paschal lamb is postponed to Saturday evening : וְאֵם חַל וְנוֹרְמָן עַרְבָּא דְּפֶסַחָא בְּעַרְבָּא דְּשִׁבְתָּא אָסּוֹר לֹא לִיכּוֹם פֶּסַחָא וְחַנִּינָה בֵּיהֶ בְּלִילָה . . . וְשַׁרְיִ לְיהֶ לִינְדָרְחָה כְּמָא דָאִי נְוֹרְמָן קָרְבָּנָא דָזְבָּה . . . דָוְחֵין יְתָהּוֹן בְּתַרְיָוָמָא דְּשִׁבְתָּא הַכִּי נְמִי דְשָׁרִי לִינְדָרְחָא קָרְבָּנָא דְּפֶסַחָא דַי נְוֹרְמָנָא

⁶ See Abraham b. Hiyya, *l. c.*, pp. 59-60, and *JQR.*, X, 271-2. In the same way Aaron b. Elijah (*Gan Eden*, fol. 5 b) מְכֻלַּל הַאִישׁ רִ' סְעִדִּיא הַתְּלִי לְרַבּוֹתָיו וּכְזֹה.

בשבתא. According to 'Anan' signifies 'after the setting of the sun', but the offering of the Paschal lamb does not set aside the Sabbath, as little as e. g. circumcision, which likewise, in case the eighth day occurs on a Saturday, is performed after sunset, for the term **בין הערבים** is construed both as part of the passing and part of the beginning day (Harkavy, *l. c.*, 77).⁷ 'Anan, it is true, speaks only of the postponement of the Paschal offering and not of the postponement of the Feast of Passover, but Kirkisani informs us about 'Anan distinctly (Sect. I, ed. Harkavy, p. 313, l. 16) וארוא וקע יומ במשה עשר פי ניסן יומ אלסבח : 'דפע אתחאָר אליעיד אלוי יומ אלאָחר אלוי' هو יומ סחָה עשר and when the fifteenth of Nisan fell on a Saturday he postponed the Festival to Sunday, i. e. the sixteenth', hence also the Festival was postponed.

With regard to postponement of the Feast of Tabernacles, we read in Kirkisani immediately after the above-quoted words: **פי אלסכח וכלך פי אלסכח** 'and likewise with the Feast of Tabernacles', without specification as to the day and without further explanation and justification,⁸ but the latter may be obtained from later Karaite writings. What surprises us most is that 'Anan' mentions the Feast of Tabernacles and not the New Year, which always falls on the same day; but here the following consideration is of importance. In Karaite literature search is made after a verse to justify the commandment about the building of a booth (for only enjoins to dwell in tabernacles), and this was deduced from the verse **בשכבות תשבו** **לכם ביום הראשון ולקחם**, which, as is

⁷ For more details see my article in *RÉJ.*, *l. c.*, 176 ff.

⁸ Probably Kirkisani had this in the ninth section of his work, the section dealing with the holidays. In the sixth chapter of the first section (ed. Harkavy, p. 304, l. 5) Kirkisani says of the Sadducees that they did not count the Sabbath either on the Passover or on the Feast of Tabernacles, and that they grounded this proceeding on 1 Reg. 8.66, where it is said that Solomon dismissed the people on the eighth day of the Feast. This day could be the 23rd of Tishri (see 2 Chron. 7.10) only if the Sabbath was not counted. But here the reference is to the Sabbath within the Feast in general, whatever day of the Feast it may be.

well known, the Karaites refer to the booth: Take unto you the four plants in order to make a booth out of them. However, בַּיּוֹם הַרְאָשָׁן cannot mean 'on the first day', since then we would not be dwelling full seven days in the booth, and again the erection of a booth on a holiday is forbidden as labour. Therefore בַּיּוֹם הַרְאָשָׁן must necessarily mean 'before the first day', probably at the end of the day of preparation, i. e. on the fourteenth, approximately before the approach of the evening, unless the time does not suffice, in which case we must begin building earlier in the day, or when the fourteenth falls on a Saturday, in which case the booth can be put up even earlier (about the thirteenth), see Bashiatschi, *Adderet*, סדר חנָן הסכונות, ch. 2: מוצאנו בכתוב טעם הבי"ת כטעם קודם בעית עשיית הסוכה . . . ב"נ ב"ת באכלכם מלחת הארץ וכן טעם ב"ת ביום הראשון ר"ל קודם היום הראשון כי כתוב בסכונות חשבו שבעת ימים וראוי להיות הימים שלמים ועוד שאי אפשר להשות במועד אף על פי שהוא דבר מעזה. ומזה פרשו הבי"ת ביום הראשון בטעם ויהי בהיותו ירושע ביריחו וכן ביום השבת יערכנו הכהן אשר הוא תחלה הערב הראשון ואמרו שראוי האדם בדעתו שלא יוכל לעשותו סמוך לערב ויישמו קודם אין חשש וכן אם יהיה יום י"ד בשבת כמו שקרה זה בקצירת העומר חולתו. סוף דבר עשיית הסוכה ראוי להיות ביום ארבעה עשר Then also: *לחדש השבעה* (comp. also *Gan Eden*, fol. 65 c). Later Karaite sources dealing with the subject and accessible to us do not exhibit this opinion of 'Anan. It is very likely, however, that he insisted that the booth should be erected on the fourteenth, and when this day fell on a Saturday he postponed the Feast to the sixteenth. By analogy with the Feast of Passover and in view of his other eccentricities in interpreting biblical precepts it is not surprising that 'Anan should have ordained, in spite of the express statement of the Bible, that the Feast of Tabernacles should begin on the sixteenth. 'Anan's opinion was not merely a theory. We know from Kirkisani that some Karaites followed the 'Head of the Exile' in adding one day to the Passover as well as to the Feast of Tabernacles, while others added a day only to Passover and not to the Feast of

Tabernacles^{8a}. It goes without saying that this day was added when the first holiday fell on a Sabbath.

(2) The second attack of our Karaite (fol. 38–39 ro.) is directed against the Mishnah Rosh hashanah I, 4. 5. 9 and II, 7. 8, where the messengers dispatched and the witnesses arriving to fix the beginning of the month are permitted to desecrate the Sabbath, and where the well-known conflict between R. Gamaliel and R. Joshua concerning the Day of Atonement is set forth.⁹ Our Karaite sees therein a violation of the biblical prohibition which decrees death for the desecration of the Sabbath,¹⁰ and likewise a disregard of the commandment in Lev. 23. 4. Other Karaite authors, like Hadassi (*Eshkol*, 184, 5 ff.)¹¹ and Aaron b. Elijah (*Gan Eden*, 7 a), quote these passages, but for an altogether different purpose, namely, to remark that in ancient times the new moon was fixed on the basis of lunar observations. Aaron also adds that Saadya refuted these proofs through the assertion that while some people fix the new moon by observation Israel as a whole does it by calendar calculations.

(3) The Mishnah Rosh hashana IV, 4 serves our Karaite (fol. 39 ro., l. 6—39 vo., l. 2) as proof that in the conception of the misleaders,¹² i. e. the Rabbis, the new moon may fall on two days. I fail to find this Mishnah quoted in the works of other

ומנהם מון תאבע ראמ אלנאלוות פי כביסתָה : אליום פי אלפסח ואלסכה נמייע ומנהם מון תאבעה עלי דלק פי אלפסח ולם יתאבעה פי אלסכה

^{8a} Ed. Harkavy, p. 318, l. 8 : *רָאֵם אֶלְנָאַלּוֹת פִּי כְּבִיסָתָה* : *אַלְיּוּם פִּי אֶלְפָסָח וְאַלְסָכָה נְמַיָּע* וְמַנְהָם מִן תָּאָבָעָה עַלְיָה דָּלָק *פִּי אֶלְפָסָח* וְלֹם *יִתְאָבָעָה* *פִּי אַלְסָכָה*.

⁹ But also here our author quotes the Mishnah II, 8, which has nothing in common with the theme treated by him.

¹⁰ *כל אלה חילופות מחלליה מות יומת* ¹¹ ‘*challipot*’ ‘opposites’, recalls in form *תְּחִלָּפָת* in the Hebrew Ben Sira (44. 17; 46. 12; 48. 8), but there it means ‘compensation, substitution, substitute’ (comp. also Kaufmann, *MGWJ*, XLI, 337).

¹¹ The conflict between R. Gamaliel and R. Joshua is more fully told by Hadassi, alphabets 192 1–194 ש, with all kinds of amplifications which may have had their source in some apocryphal Baraytot, and of which I intend to deal at length on some other occasion.

¹² *שְׁלִיחָה* instead of *הַמְּדוֹרָזִין* (likewise fol. 40 vo. instead of).

Karaites who contend against Saadya's proofs for the existence of two New Moon days.¹³

(4) Quite original is the criticism of Mishnah Rosh hashana IV, 9 (fol. 39 vo.-40 ro.), which is of a linguistic character. In the text of our Karaite there was here, as in some other manuscripts of the Mishnah (see Hirschfeld, p. 163), instead of **שלשה פעמים**, **שלש**, and he attacks the Mishnah on the ground that **שלשה** is masculine **שלשה** is feminine (בכרים), as in Exod. 2. 2 and Gen. 18. 2, while **פעמים** requires **שלש**, as proved by Exod. 23. 14 (but here we find **פעמים שלש רגלים** and not **פעמים**, apparently our Karaite quoted from memory) and *ibid.* 34. 23. **שלשה פעמים** proves therefore a lack of knowledge of the Bible (**שלשה פעמים לא כדעת**). An anti-rabbinic controversy on philological grounds, if I may so express myself, is found elsewhere in the polemic treatise of Sahl b. Maṣliḥah against Jacob b. Samuel, the pupil of Saadya, in which orthographic and grammatical errors, as well as incorrect turns of speech, are pointed out in the style of his opponent (see *Kaufmann-Gedenkbuch*, p. 181). But it is not impossible that our Karaite author aimed to attack the blowing of the Shofar, which his co-religionists have been known to reject, but did not get to a criticism of the Mishnah cited, as we shall soon see in other cases.

(5) The next attack (fol. 40 vo.) is directed against some alleviations with regard to Sabbatical precepts on the part of the Rabbis, as expressed in the Mishnah Shab. XVI, 6-8 and XXIII, 1. Our Karaite cites here the Mishnah only, without adding his criticism on it, but that is sufficiently clear from the mere quotation of the text. The reproach made against the Rabbis that they make light of the Sabbath and permit many things that are forbidden on that day, is a standing theme in the Karaite controversies, beginning with Kirkisani. The latter cites also the Mishnah XXIII, 1 adduced by our Karaite (**שואל** **אדם מחבירו בריין וכו'**), and refers Jer. 9. 5 to it (sect. I, ed. Harkavy, p. 287; then also in the second text edited by Hirsch-

¹³ Comp. on this point Mann, *JQR.*, N. S., IX, 141, where also Hadassi (*Eshkol*, alphabets 197 ר-נ) should be added.

feld, which will be discussed further below). It is cited also by Salmon b. Jeroham in his manuscript treatise against Saadya, chapter 14.

(6-7) The next two points (fol. 41) belong to the domain of dietary laws, dealing as they do with the enjoyment without slaughter of the after-birth (**שליל**), respectively of an embryo (**שליל**, among the Karaites **נֶרֶצִין** or **קְבּוֹת**), and of the fat tail (**אַלְיה**), together with the kidneys and the lobe of the liver (**יְוִתָּרָת הַכְּבָד**), which the Rabbis permit but the Karaites forbid. With reference to the first point our Karaite quotes the Mishnah *Hul.* IV, 10. 8; with regard to the second point, however, he adduces no text, but simply says: **והאליה והכלויות [יְוִתָּרָת הַכְּבָד]**. This is against the Torah, which forbids the enjoyment of these things in Lev. 11. 39 and 9. 19. It is well known that the relish of an embryo forms one of the points of difference between the Rabbis and the Karaites. The former permit it in accordance with the principle **עובד ירך אמו**, and even without slaughter (**שְׁחִיתָת אָמו מְטָהָרָתוֹ**); nay, even the prohibited parts of an animal, such as the fats, the tendon, &c., are permitted in this case, in consonance with the rule **בִּבְחִמָּה אָוֹתָה תָּאַכְּלُ**, that everything found in a purely slaughtered animal is allowed (see *Hul.* 74 a ff. and comp. in addition my conclusions in *Kaufmann's Gedenkbuch*, p. 176 ff.). The Karaites, on the other hand, forbid the embryo, since children not yet born are called **בָנִים** in accordance with Gen. 25. 22 and Ruth 1. 11, and therefore the prohibition of **אָוֹתָה בָנָו** (Lev. 22. 28) holds good here. But they go even further and assert that everything found in an animal, be it sperm or a piece of flesh or even water, is prohibited, and that this prohibition is likewise to be derived from Lev. 11. 39 (**וְכִי יָמוֹת מִן הַבִּחְמָה**). They probably interpret this verse in such a way that the death of one part of an animal reduces the whole animal to a carcass.¹⁴ In a similar manner the Rabbis

... **לֹן הָרוּא** או **חַיִּכְתּוֹ בְּשָׂר הַנִּמְצָא בְּרָחֶם** : (ב' 308 alphabets Hadassi) **הַבְּהִמָּה הָיָה** כְּמַעֲבוֹרָת נְחַשְּׁבָת יְעַן כִּי **רָוחַו מִנְהָה** וּבָהּ **וְהִיא** כְּנַשְׁחֹתָה עַם

differ from the Karaites with reference to the enjoyment of the fat of the tail, the kidneys, and the lobe of the liver, since the Karaites hold that all the parts which are burnt on the altar at the sacrifice are comprised under **חלב**, and hence are forbidden. Our Karaite proceeds to quote Lev. 9. 19, where all the three prohibited parts are mentioned consecutively in one verse.

Both these points of contention form another important theme in Karaite anti-rabbinic polemics. Already Kirkisani (sect. I, ed. Harkavy, p. 291) cites the contents of both Mishnahs adduced by our Karaite and claims that the Rabbis, together with the enjoyment of an embryo, permit also seven other prohibited substances, namely, a dead animal (since in their opinion the embryo may be eaten without special killing), blood, fats, **אותו** ו**את בנו**, **אבר** מ**ן** **ח**י, **שחיתת נכר**י, and the tendon.¹⁵ Again, the enjoyment of forbidden fats forms one of the principal arguments in the polemic between Saadya and the Karaites, see *Gan Eden*, fol. 96 b: . . . **וראש החולקים הוא סעדיה הפטימי אשר עמד לחלוקת בנדר דעת** . . . (the karaites and their opponents **ע**ה) **כבר שברו מלהותיו** (comp. also *Eshkol*, alphabets 231-3, and *Adderet*, chaps. 18-20).

(8-10) The last three points contained in our fragment (fol. 36 ro.) relate to the laws of purity. Our Karaite quotes first the Mishnah Nidda, III, 6 (המפלת יום ארבעים אינה חיששת), then *ibid.*, IV, 6 (המקרה בחוק שמונים של נקבה וכו'), and winding up with: **ואישר אמרו כל הנשים בכלל זבוח אשר לא צונו**. His objection to the Mishnah is not indicated in the fragment, as is the case in dealing with some other points of difference. With reference to the first

בנה ואסורה עליך: למען כי נפשו ורוחו בו וככון חשוב ומשמעותו ואת בנו לא תשחטו וגנו, ומשום וכי ימות מן הבחמה אשר היא לכם לאכלה **וננו**. 'Anan, as is known, derived from this verse, in an exquisite way, the prohibition to kill an animal about to die (**כוסכים** or **מסוכנת**), see *RÉJ.*, XLV, 57-9; but already Daniel Kumisi and Kirkisani expressed their opposition to it, see *JQR.*, VIII, 685.

¹⁵ This number varies with different Karaite authors from 6 to 8, see *Kaufmann-Gedenkbuch*, p. 176, n. 1, where the reference to Hadassi (alphabets 239, **ל-ג**), who likewise has 8, should be added.

Mishnah it must be noted that in the opinion of the Karaites, if a human form is perceived in the abortion, the miscarrying woman is subject to the same law of impurity as a woman lying-in, and if in this form the male cannot be differentiated from the female the woman must remain unclean for eighty days (see *Gan Eden*, fol. 114 b), hence the state of uncleanness does not depend upon the days of pregnancy. The second Mishnah cited above expresses the opinion of the Rabbis that conjugal communion with a woman lying-in is allowed within the 33 or, as the case may be, 66 days, against which the Karaites protest violently (comp. Geiger, *Jüd. Zeitschrift*, I, 51; II, 27; *Nachgelassene Schriften*, III, 316, and *קבוצת מאמריהם*, my edition, p. 89). Finally, with regard to the last point, it likewise forms debatable ground between the Rabbis and Karaites, the former allowing the menstruous woman to count שבעה נקיים, while the latter consider this obligatory only in the case of a woman afflicted with a flow, see e. g. *Gan Eden*, fol. 113 d והרבנים עצם שבו: מה שמורה התורה וממה שיש להם בהעתקה ושמו כל הנשים בחוקת זכות שספורות שבעה ימים נקיים ואין להם לא נרה ולא זבה קלה קטנה כפי דעתם והם עוברים על מאמר לא חוסיפו על הדבר אשר אכן מצויה אתם ולא תנו עמו כל הנדרות into כל הנשים

From our analysis it results that we are not dealing here with a criticism of the Mishnah, but rather with a fragment of a polemical, anti-rabbinic work. Next in line is to determine the time and the author of the fragment. As regards the time, Hirschfeld places it in the ninth century, supporting this view by the following two proofs: (1) the handwriting of our fragment is older than that of other manuscripts dating from 1004, 1019, and 1030; (2) the Karaites began to write Arabic in the tenth century, hence our fragment which is in Hebrew must be older than that. However, both these reasons are precarious. Assuming that the handwriting of our fragment is older than that of the above-mentioned manuscripts, then it should only be younger than the eleventh century, and could therefore date from the

tenth century. But, judging from the present state of Hebrew paleography, it is extremely difficult to determine exactly the time of a Hebrew manuscript (see on this point Marx in this REVIEW, VI, 176). Still less convincing is the second proof. It is true that the Karaites began to write Arabic in the tenth century, and the first known Karaite work written in Arabic is the *Kitāb al-anwār*, composed by Kirkisani in the year 937; therefore if we have before us a Karaite work in Arabic we cannot place it before the tenth century. But the fact is that even after that the Karaites did not cease to write Hebrew. Thus, for example, Salmon b. Jeroḥam, Sahl b. Maṣliḥah, and Yefet b. 'Ali, all authors of the tenth century, wrote simultaneously in both languages. Moreover, we have seen above that the point dealing with the *deḥiyyot* is directed against Saadya, and for this very consideration cannot date from the ninth century. Still, I also am of the opinion that it is quite old. First, because the tetragrammaton is written יהוה (fol. 36) and not יי¹⁶ as usual, and then because 'Anan is mentioned without any honouring epithet. In this way he is mentioned elsewhere only by Benjamin Nahawendi (משאת בנים, fol. 2c; comp. Harkavy, *Stud. u. Mitt.*, VIII, 127), although with the eulogy ל'א. But already Kirkisani, although he mentions him quite frequently by name only (e. g. sect. I, ed. Harkavy, p. 279, l. 10, 280, l. 17, 284, l. 24), yet in most cases he gives him the title רָאֵס אַלְגָלוֹת, i. e. exilarch. Yefet b. 'Ali quotes him once (*RÉJ.*, XLV, 186) by name only, but with the eulogy עַנְהָ אֶלְלָה, another time simply as רָאֵס אַלְגָלוֹת (ibid. 179), and then also as ל'עַנְהָ אֶלְלָה (commentary on Cant. III, 2, ed. Bargès, p. 42). Jacob b. Simon, the translator of Jeshua's *סִפְרַתְּ הָעָרִירָה*, names him אל (ed. Markon, pp. 100 and 104), but already Hadassi insists on naming him by title רָאֵס הַגְּלִילָה נְשִׂיאָ יִשְׂרָאֵל (alphabets 23, 1, 147).

¹⁶ The writing יהוה is found also in some epigraphs of Karaite Bible rolls and Bible codices from the Crimea (see Harkavy-Strack's *Catalogue*, pp. 26, 32, 99, 237, 238), but here there is no telling which is genuine and which is false.

236 1). Our fragment therefore is a product of the eleventh, or perhaps already of the tenth century.

Hirschfeld also comes to a conclusion as to the identity of the author of the fragment. According to him, it is no other than Nissi b. Noah, whose name he even placed at the head of his introductory remarks on the fragment. As is well known, Pinsker identified Nissi with Aha, a reputed pupil of 'Anan, which still places him in the eighth century. Others, like Graetz, bring his date down to the ninth century. It was P. F. Frankel who believed he had established the fact that Nissi lived after Hadassi and made use of the latter's *Eshkol*. Now I agree with Hirschfeld that Nissi's dependence on Hadassi is far from proved, indeed, I believe I am able to establish quite the contrary. For Nissi says (in Pinsker, pp. 12–13) that the teacher must possess twelve qualities, the last three of which are as follows: *והי' שידבר דבר דבר על אפניו ואל יקشا את לבו ואל יעז את פניו; והי' א' שיתבונן* במצוות במשפטים ובחוקים והוא אין לעשות ולהקום; *והי' ב' שיחיה בקי* במשנה בתלמוד ובחלכות וילמוד תוספות והנדות enumerates these qualifications (alphabets 134 פ ff.), but here they amount to only ten in number, the tenth being as follows: *בתם מעלה העשירות שיחיה בקי בכל חזרות ובמצוות וחוקים ובמשפטים ודרדרקי שאלות ותשובות להוראות ולהתעדים ולשمرם אין ורין ויהי' תחרן לעניין*. Hadassi evidently omits altogether Nissi's tenth quality, while he combines the eleventh and twelfth into one, retaining their characteristic expressions (א' ורין). It is certainly easier to assume that twelve qualities may be reduced to ten by the omission of the one about the teacher being conversant with the Mishnah, Talmud, Halakot, &c., than the reverse. Especially so, since Hadassi is always set on number ten, as, for instance, ten promises to be fulfilled with regard to the Holy Land and Israel (129 ע), ten proofs for the authenticity of the Torah (130 ט), ten duties of pupils towards their teacher (134 י), ten degrees of dignity in Israel (135 ל), ten articles of faith, &c. All this is probably due to the fact that his book is based on the Ten Commandments, and this fundamental idea he may have derived likewise from Nissi. That Hadassi fails

to quote Nissi anywhere matters nothing, for he was not at all particular about naming his sources, referring to his Karaite predecessors with the general phrase ¹⁷כ' מספדייהם נתענשרנו. Thus Nissi lived before the twelfth century, and this agrees with Harkavy's discovery (mentioned in *Stud. u. Mitt.*, VIII, p. vii) that he lived in Persia about 300 years after 'Anan, hence in the eleventh century. What a pity that Harkavy did not communicate the text he discovered !

¹⁷ Comp. Bacher, *MGWJ.*, XL, 126.

¹⁸ Under great and small **חומרות** Nissi understands perhaps the Tosefta and Baraytot. In talmudic-midrashic literature the term **משנויות נדולות** is not wanting, e. g. Horayot end, as well as Kohelet rabba on 1. 5 and 2. 8. Right there occurs also the form **חומרות** employed by Nissi, so Pal. Peah II, 6 (fol. 17 a, l. 13 from below); Lev. r., ch. 22 and 30; Cant. r. to 1. 15 and 6. 8, &c. (comp. Lewy, *Ueber einige Fragmente aus der Mischna des Abba Saul*, p. 4).

However, these three proofs are hardly conclusive: (1) The Babylonian punctuation cannot be characteristic of any one author, since in recent times, especially among the Genizah fragments, more and more post-biblical texts are found with this punctuation;¹⁹ (2) all Karaites quote extensively from the Mishnah in their anti-rabbinic polemics, especially Salmon b. Jeroham in his controversy against Saadya and Hadassi in his *Eshkol Hakkofe*. Nissi does not call the Talmud, Halakot, since he says twice חלמור והלכotta expressly, thus differentiating them from one another. Nor does our author call it so, for the halakot which he quotes do not, as Hirschfeld asserts, designate the Gemara, but, as we have seen above, the Hebrew version of the *Halakot Pesukot*;²⁰ (3) still less can the Hebrew language of the fragment be a proof for Nissi's authorship, since Karaites, as pointed out above, did not cease to write Hebrew even after the commencement of the Arabic period.

Judging then from the condition of our fragment no conjecture is possible as to its author. Nevertheless we are thankful for its publication by Hirschfeld. Perhaps chance will yield us, among the treasures of the Genizah, further fragments of this quite old anti-rabbinic work, and then some of the enigmas attached to it may be unravelled.

II.

Still less does the title of Hirschfeld's article fit the second text published therein. This is the end of chapter 14 and the beginning of chapter 15 (الباب الخامس عشر) of a polemic treatise.

¹⁹ MS. Vat. 66 contains even a Sifra with Babylonian punctuation, see *JQR.*, N. S., VI, 179 and *OLZ.*, XXI (1918), 53.

²⁰ Since this version, as I have proved elsewhere (*RÉJ.*, LXIII, 235), had arisen in Palestine, we might assume that also our Karaite author lived there, the more so as Palestine was a centre of Karaite learning during the second half of the tenth and the first half of the eleventh centuries. But against this assumption stands the Babylonian punctuation employed by the author, if we accept the statement of Hirschfeld that the fragment is an autograph.

It appears that Saadya's deductions about the necessity of oral teaching and the rejection of analogy (قياس) were quoted in the former and refuted in the latter chapter.²¹ I was the first to call attention to this text (*Steinschneider-Festschrift*, p. 210), and then, what Hirschfeld seems to ignore, I published a considerable part of chapter 15 (*ZfHB.*, III, 175-6; comp. *ibid.*, X, 43 ff., and *JQR.*, VIII, 685). I proved on internal evidence the connexion between this text and the second section of Kirkisani's *Kitāb al-anwār*. First, it is this second section that deals among others with the method of employing analogy,²² then the style and manner of expression are those of Kirkisani,²³ and, finally, all the references of the author to his previous deductions are found in the first section published in Harkavy. Comp. e.g. our text, ed. Hirschfeld (= Hi.), p. 187, l. 1 : ... ومثل ما حكينا : ... عنهم في اطلاق نسخ حيط وكتابة حرف وحروفين وغير ذلك ما ذكرناه وما أنزاوهآن يكتب لأنسانا في يوم الصلبة حرفاً وحروفين وبذلك أنزاوه وكذلك : 3 : ... Hi. *ibid.*, l. 1 : ... إنما يكتب لأنחاك في آخر بيتنا أو بيتين آخر ... ما ذكرناه من تحريرهم أن يحمل الإنسان ربقة في فيه (فيه . r) اربع اذرع وبذلك حرموا آن يحمل لأنسانا ريشة في : ... and then Ha., p. 288, l. 21 : ... على أنا قد قدمنا أيضاً ذكر ما ابطلوا من بعض الصلوات الواجبة :

²¹ The beginning of the partly preserved chapter 14 may be reconstructed from the refutation in chapter 15, and indeed the refutation of this un-preserved beginning goes up to fol. 49 ro, l. 5. Apparently the Karaite, in his refutation, quotes Saadya's proofs almost verbatim.

²² The superscription of this section is (see *Steinschneider-Festschrift*, p. 196) אלמקאלה אלתאניה פִי אַיָּאָב אַלְבָחָת אַלְנָטָר וְאַתְבָּת חַנְתָּה : .

²³ Of the numerous examples let me cite one, namely, that the Christians maintain God is a **جوهر** **ثلاثة اقانيم**, an expression that occurs in our text (p. 187 below), as well as in the first section, ed. Harkavy, p. 305, l. 21.

וּמְנֻזְלָךְ אֲנָהֶם, וּמָא אָוְגְבָה فְּמָא (בַּיָּמָה) לֹא יַגְבֵּן 22: and Ha., p. 286, l. 22: אַסְכָּטוּ אַלְצָלָאָתָה מִן סְפַר חַהֲלָות וּזְעַלָּות מִמֶּא אַלְפָהָה הָם אַלְךָ. In addition, there is the passage about Abu 'Isā and Yudgān, &c., quoted by me in *Steinschneider-Festschrift*, p. 219. All this evidence makes Kirkisani's authorship a certainty.

It is true that a later author of the sixteenth century, namely, Moses Bashiatschi, quotes a passage from our text and labels the author thereof, המאור הנדול רב' יוסף הראה ע"ה, i. e. Joseph al-Baṣir. But I have pointed out that Bashiatschi confused al-Baṣir with Kirkisani also in other places, and quoted passages word for word from the *Kitāb al-anwār*, which he calls in Hebrew freely (once also *סְפַר הַאוֹרִים*) in the name of al-Baṣir (see *Steinschneider-Festschrift*, l. c.). This confusion, however, is manifested already in the chain of tradition which Mordecai b. Nisan, in his *דְּדָרְדָּי*, chapter 9, took over from the *מַתָּה אַלְחִים* of the above-named Moses Bashiatschi, and which goes back to Yefet v. David ibn Ṣagīr (first half of the fourteenth century). Here we find such blunders as the following (ed. Vienna, fol. 22b): ... וְהוּא (ר"ל רב נח) העתיק לר' שלמה בן ירוחם: ... וְלֹרְבָּן יְסֻפָּן בְּנֵי נָח וְלֹרְבָּן יַעֲקֹב בְּנֵי יְצָחָק הַקְּרָקְסָאַנִּי ... וּבְוּמְנִיּוֹם הִיָּה רַב סְעִדְרִיָּה גָּנוֹן וְלֹרְבָּן הַפִּיתְחוּמִי וְהוּא הִיָּה תַּלְמִידֵי שֵׁל רַב שְׁלֹמֹן בָּן יְרוּחָם וְרַב יְסֻפָּן הַשְׁנִינוֹן וּנְמַצְאָו יְחִיד שְׁנִינוֹם בְּזַמָּן אַחֲרֵי וּהְקִשָּׁה עַלְיוֹ ר' יְסֻפָּן וְהַכְּרִיחַ לֹו בְּטֻעַנוֹתֵי כַּאֲשֶׁר מַכִּיד בְּסֶפְרוֹ בְּסְפַר המאור וְחֶבְרָן (שְׁחַבְרוֹ ז.) בְּשִׁנְתָּה ד"א תְּרִצְתָּה לְצִירָה וְהַעֲתִיקָה לְרַב דּוֹד בָּן בּוּעַו ... וְלֹרְבָּן יַעֲקֹב בְּנֵי רַב יְסֻפָּן בָּן אַבְרָהָם הַבּוֹצֵר וְלֹרְבָּן יְסֻפָּן הַרְוָאָה בָּן רַב יַעֲקֹב הַקְּרָקְסָאַנִּי וְהַוְאָ חֶבְרָן סְפַר מִצּוֹת נְדוּל עַל כָּל הַפְּרִטִּים וְהַדְּקוֹנִים יְפָה עַד לְמַאַד וְהַוְאָ חֶבְרָן סְפַר מִצּוֹת נְדוּל עַל כָּל הַפְּרִטִּים וְהַדְּקוֹנִים יְפָה עַד לְמַאַד וְהַעֲתִיקָה לְרַבְינוּ שְׁלֹמָה הַנְּשָׂא וּכְוָ'. It is difficult to find oneself in this confusion which bristles with chronological impossibilities, but this much may be gathered that Kirkisani, who is named rightly in the beginning Jacob b. Isaac, is made a contemporary of a certain Joseph who polemised against Saadya in his *סְפַר* composed in the year 930. By this Joseph, however, is meant Joseph al-Baṣir who, as we now know, lived a century

²⁴ Thus the *Kitāb al-anwār* is called *סְפַר הַאוֹרִים* also in the Hebrew translation of Levi b. Yefet, see Pinsker, p. 90 (incorrectly, *ibid.*, p. 193).

after Kirkisani, see the colophon of Elijah b. Baruch to his copy of Salmon b. Jeroham's polemic treatise against Saadya, MS. Pinsker 27³ (communicated in Bardach, *ר' מוכיר לבני רשותם* p. 37): "... וַיְשִׁתְמֹוּהוּ (ר' ל' את הַפִּתְחָמִי) בָּעֵל הַצִּים בְּרוּרִים מִמְשִׁילִי בְּנֵי מִקְרָא רַבִּים סָלְמוֹן בֶּן יְרוּחָם רַבּוּ . . . וְנֵם חַבְרוּ שֶׁל פִּוְמי רַבְנוּ יוֹסֵף הַרוֹאָה תַּלְמִידָוּ שֶׁל רַבְינוּ סָלְמוֹן רַבּוּ בְּסֶפֶר הַמְאוֹר הַמּוֹכָר בִּשְׁנַת ד' א' ש' ע' (sic). On the other hand, mention is made in the above-named chain of tradition of a Joseph ha-Roeh b. Jacob Kirkisani, the author of a great code of laws, who may be the well-known Kirkisani, known in later sources by the name of Joseph (instead of Jacob), but not al-Baṣir, who was b. Abraham.²⁶ Even more confusing are the data in Simha Isaac Lutzki's *ארח צדיקים* (fol. 21a), which no doubt is derived from that of Mordecai b. Nisan, Jacob b. Isaac al-Kirkisani is said to have taken over the law from Salmon and transmitted it to his son Joseph ha-Roeh, who composed the *הַמְאוֹר הַגְּדוֹלָה* in the year 910. But in the list of the learned on fol. 21b the following are enumerated separately: Jacob b. Isaac al-Kirkisani, then, two lines below, Joseph b. Jacob al-Kirkisani, and in addition also Joseph ha-Roeh ha-Kohen b. Abraham. In the list of Karaite writings again the *אָוָרִים* is ascribed to Joseph b. Jacob al-Kirkisani (fol. 23a), the *מִצְוֹת הַמְאוֹר הַגְּדוֹלָה* and a to Joseph ha-Roeh ben Jacob al-Kirkisani (fol. 24b), and likewise a *מִצְוֹת* to Joseph ha-Roeh ha-Kohen b. Abraham. Thus any one who in the fixation of older Karaite authors and their

²⁵ Possibly al-Baṣir is meant by *רב יעקב בן ר' יוסף בן אברם הבוצרי*, having been formed from *רב יעקב אלבוצרי* which is due to a misunderstanding of *רב יעקב אלבוצרי*. In his *ספר עריות* (ed. Markon in *הקרם*, III, 57-78) Moses Bashiatshi calls al-Baṣir mostly *רב יעקב אלבוצרי* but once also (p. 64, comp. with p. 73). On p. 67 *רב יעקב אלבוצרי* is named together with an otherwise unknown *רב יעקב אלבוצרי*. I presume that here too the last named had arisen from sheer ignorance. This is further proof for the confusion which is manifested in his writings concerning the older Karaite authors.

works relies on the data of their later co-religionists is sure to lose himself in a hopeless labyrinth.

In spite of all this, Hirschfeld follows the data of Moses Bashiatshi and ascribes the text edited by him to al-Baṣir. His proofs against Kirkisani's authorship are as follows: (1) Some points mentioned in our text are found also in the first section of Kirkisani's work; why does not the author of the fragment refer to this section, but to detailed discussions which are to follow later? (2) Our text tells of Yudgān that he considered himself a Messiah, while Kirkisani states that he was so considered by his pupils only. (3) The tone of our text, in which some harsh expressions are used against Saadya and the Rabbis (p. 186, l. 4 from below: **ويجب على الفيومي ان يستحير من ذكر هذا** **بل هو فضيحة عليهم ببراسهم** **الباب**; p. 187, l. 9: **... بل هو فضيحة عليهم ببراسهم**), does not fit in with the otherwise mild tone of Kirkisani, but rather suits a contemporary of Yefet b. 'Ali,²⁶ who frequently employs such harsh and insulting expressions against his rabbinic opponents.

But all these proofs by Hirschfeld are not conclusive. Least of all the first, for, as we have seen above, the author of our fragment does refer to what precedes, and all this is indeed found in the first section of the *Kitāb al-anwār*. But when he refers at the same time also to subsequent discussions, it is not at all surprising, for in the first section he treats all these subjects in a casual way only, dismissing summarily the divagations of the Rabbis and their false conceptions; the details, however, were reserved for a special section, and hence, for example, everything concerning the Sabbath was reserved for section V. That is why we read in section I, where he makes the above-mentioned reproach to the Rabbis concerning the prayers (p. 287, l. 3): **וּסְנָחוֹפִי הָזָא אֶלכָלָם בְּאַלְחָנָה פִי מַוְעָדָה**. Likewise, for instance, p. 294, l. 4, with regard to the search of the fresh ears of barley: **וְאַגְבּוּ טַלְבָה אֶלְאָבִיב ... וְסָאַחֲרִי בָּעֵז מֵא פִי חַבְבָם מִמְאָה יְחִיבָה אֶלְאָבִיב**.

²⁶ That al-Baṣir was a contemporary of Yefet is not at all proved. The latter belongs to the end of the tenth century, while al-Baṣir composed his legal code in 1036-7.

וְלֹךְ פִּי אַלְמָקָלָתְּ אַלְסָבָעָתְּ וְהַיְוִי אַלְתִּי נַחֲלָמְלָמְדָה פִּיהָא עַלְּ רֹום אַלְשָׁהָוּרְאַלְאַבִּיבְּ.²⁷ Of even less importance is the second proof which amounts to quibbling, and hardly needs refutation. Finally, as to the third point, while it is true that Kirkisani's tone is mild on the whole, yet harsh expressions are not wanting. It is sufficient to read the first chapter of the first section, where he reproaches the Rabbis with the ruin of religion (אַסְכָּאָט אַלְדִּין נַמְלָתְּ, p. 286, l. 15), deceit (p. 287, l. 24), ignorance and blindness (p. 290, l. 8), ridiculousness (p. 295, l. 18, where we should read סְבָרָתְּ instead of סְבָנָתְּ), &c. With reference to Saadya he employs also the expression פְּצָחָתְּ, which occurs likewise in our fragment (see my *The Karaite Literary Opponents of Saadiah Gaon*, p. 9). Apparently also this proof against Kirkisani's authorship lacks proper support.

There is, however, also an external proof that our fragment is not from the pen of al-Baṣīr. The *Kitāb al-anwār* of Kirkisani was divided into sections (מִקְאָלָתְּ), and every section into chapters, each one of which had at its head, exactly as in the case of our fragment. In al-Baṣīr's legal code, entitled *Kitāb al-istibṣār*, which was likewise divided into sections (כְּלָמָם מִקְאָלָתְּ) and chapters, every chapter bore the title פְּצָלָה. A fragment of the *Kitāb al-istibṣār* is found in MS. Brit. Mus. 2576¹ (Cat. II, No. 591), and here we read at the end: **وَكَذَلِكَ الْكَلَامُ فِيمَا أُمْلِيَتْ مِنْ** القول في الاعتدال والاببيب والراجح ولعل ان املي الكلام في السبت **تَمَ الْكَلَامُ فِي الْيَوْمَشُوتْ مِنْ كِتَابِ الْاسْتِبْصَارِ فِي الْفَرَائِضِ** Joseph al-Baṣīr, as is well known, was blind, and therefore dictated²⁸ (أُمْلِيَ) (أُمْلِيَ).

²⁷ Comp. also the general remark of Kirkisani, where his procedure in mentioning rabbinic deviations and later detailed discussions thereof is formulated as follows (p. 295, l. 21): **וְכֹלֶךְ כָּלָמָא דְּכָרְנָאָה פְּסָאָדָה מִן :** **הָאָא אַלְבָבָא פָּאַנְמָא נַפְעַל ذָלָק לְאַנְאָא לֹא נַדְבָּרָה פִּי מַוְעַד אַבְּרָהָם הָאָא פִּימָא לֹא יַשְׁוֵל פִּיהָא אַלְכָלָמָם מִמָּא לִים בְּדָאַלְלָה פִּי אַלְגִּיאָה פָּאַנְאָא נַוְבָּרָא אַלְקָול פִּיהָא אַלְיָ אַלְמָקָלָתְּ אַלְתָּאָנִיְּתְּ אַלְתָּאָלָתְּתְּ פְּנַדְבָּרָכְּ כָּל בָּאָבְּ מִן ذָלָק **פִּי מַזְעָה.****

²⁸ Numerous passages from al-Baṣīr's *al-Muhtawi*, where this expression occurs, are cited and discussed by Goldziher (*RÉJ.*, XLIX, 227, n. 1).

his work to his pupils. Considering this characteristic expression and various traits of a different nature, which will be treated elsewhere, I recognize now the connexion with the *Kitāb al-istibṣār* of a Genizah fragment described by me in the *Karaite Literary Opponents*, p. 56, No. 20 (Ar. T.-S. 30), which I could designate there only as part of an old Karaite legal code. Also in this fragment we read: **אנא קד בינוֹא פִמְא אַמְלִינָה מִן . . . עַל מֵא אַנְתָּה תְּנַדֵּה מִשְׁׁוֹרָא פִי מִקְאָלָת . . .**, then: **אַלְכָלָם פִי אַלְדָנָאָז מִפְרָתָה אַמְלִינָה קְרִימָא** and accordingly the headings of the chapters are termed here **אַלְפְּצָל אַלְלָאָם עִשְׂרָה פִי קְוָלה וְאַתְּ אַלְהָה פְּצָל**, e.g. **תְּשַׁקְנֹז מִן הָעוֹף כְּתָאָב אַלְשָׁכָוֹן**. Besides this the author of this fragment cites his MS. Br. Mus. 2576², which deals with leprosy and other laws of uncleanness, and where the author cites his **كتاب الشكول** (see Cat., *l.c.*, p. 181 f.), is likewise part and parcel of the *Kitāb al-istibṣār*, and that instead of **ك الشكول** we should read **ك الشكوك**. But also in this fragment the individual chapters bear **فصل** as title, e.g. **فصل سادس في الصراحت وكيفية حكمها في الحالية وما يتصل بذلك**.

Thus, for various reasons, the fragment edited by Hirschfeld cannot come from al-Baṣīr, but must be considered as part of Kirkisani's work. Here too, nevertheless, thanks are due to the editor for the publication, since every fragment from Kirkisani greatly enhances our knowledge of early Karaism.

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Mention is also made there of a pupil of al-Baṣīr, namely Abu Gālib Tābit, to whom his teacher dictated, and the wrong notions concerning him are righted.